

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
)	
ALLYSON M FRANCK,)	CASE NO.: 23-12524-AMC
Debtor)	
~~~~~	)	
CAPITAL ONE AUTO FINANCE,	)	
A DIVISION OF CAPITAL ONE, N.A.,	)	
Movant	)	<b><u>HEARING DATE:</u></b>
vs.	)	Wednesday, October 30, 2024
	)	10:00 A.M.
ALLYSON M FRANCK,	)	
Respondent(s)	)	
and	)	
SCOTT F. WATERMAN	)	<b><u>LOCATION:</u></b>
Trustee	)	900 Market Street, Suite 400
	)	Courtroom No. 4
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.
2. The Respondent, Allyson M Franck is an individual with a mailing address at 2502 Tilton Street, Philadelphia, PA 19125, who has filed a Petition on August 24, 2023 under Chapter 13 of the Bankruptcy Code.
3. On or about August 14, 2021, Debtor Allyson M Franck entered into a Retail Installment Sale Contract, involving a loan in the amount of \$45,238.19 for the purchase of a 2019 Jeep Wrangler Utility 2D Sport 4WD 3.6L V6.
4. The vehicle secured by the Contract has V.I.N. 1C4GJXAG0KW617401.
5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$27,406.28 plus other appropriate charges as of September 24, 2024 but subject to change. The regular monthly payment is \$695.55 at an interest rate of 4.56%.

7. Applying payments received to the earliest payment due, payments have been missed since June 28, 2024, post-petition payments in the amount of \$2,086.65 plus all applicable late charges, interest, attorneys' fees and costs.

8. The Property has a N.A.D.A. Value of \$23,600.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. Failure to make adequate protection payments is cause for relief from the automatic stay.

12. The Movant has incurred attorney's fees in the filing of this Motion.

13. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
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